

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

**NATIONAL RAILROAD PASSENGER
CORPORATION (AMTRAK),**

Plaintiff,

v.

CIVIL NO. JKB-24-0408

**.025 ACRES MORE OR LESS OF LAND
LOCATED AT 2034 WEST LANVALE
ST., et al.,**

Defendants.

* * * * *

MEMORANDUM AND ORDER

In this condemnation action, Amtrak, pursuant to 49 U.S.C. § 24311, has acquired 2034 West Lanvale Street, Baltimore, Maryland. The Court held a hearing regarding the just compensation for the property and issued an Order setting such just compensation at \$53,600. (ECF No. 42.) Amtrak has deposited funds totaling \$53,600, which have been held in an interest-bearing account in the registry of the Court. (See ECF No. 7.)

The Court concludes that it has jurisdiction over all appearing and non-appearing Defendants, given the nature of this action and that all Defendants have been served by Amtrak. (See ECF Nos. 14, 20, 27 (status reports detailing service of process on Defendants).) Further, the time for filing motions for disbursement has passed. As provided in 49 U.S.C. § 24311(b)(4), “[o]n application of a party, the court may order immediate payment of any part of the amount deposited in the court for the compensation to be awarded.” Federal Rule of Civil Procedure 71.1(c)(4) provides that “[t]he court [] may order any distribution of a deposit that the facts warrant.”

The only Defendant that has filed a Motion for Disbursement is the Mayor and City Council of Baltimore City (the “City”). (ECF No. 39.) The City seeks a disbursement of \$15,838.43 plus

accrued interest. (*Id.*) The City explains that it is the lienholder for unpaid liens on 2034 West Lanvale Street. (ECF No. 39-1.) It provides an affidavit from Edward Scrivener, Delinquent Accounts Manager for the City of Baltimore Bureau of Revenue Collections of the Department of Finance, in which he “attest[s] and affirm[s] that a search of the City tax lien record” reflects that \$15,838.43 is due and owing to the City. (ECF No. 39-2.) Attached to the affidavit is documentation supporting this figure. (See ECF No. 39-2 at 3–7.) The Court finds that, upon the facts in the record, a distribution to the City of \$15,838.43 plus a corresponding percentage of the accrued interest is appropriate.

In its Motion for Summary Judgment, Amtrak explains that it added \$1,000 to the just compensation for the property to account for redeeming the ground rent. (ECF No. 32-1 at 3–4.) Amtrak will be directed to advise the Court regarding the distribution of the \$1,000 relating to the redemption of the ground rent.

Accordingly, it is ORDERED that:

1. The City’s Motion for Disbursement of Funds (ECF No. 39) is GRANTED.
2. The Clerk is DIRECTED to issue and mail the following check to the City:
 - a. \$15,838.43 plus 29.55% of the accrued interest, payable to the Director of Finance, and mailed to the attention of Thomas P.G. Webb, Esq., Baltimore City Law Department, 100 N. Holliday Street, City Hall – Room 101, Baltimore, Maryland 21202.
3. Amtrak is DIRECTED to advise the Court regarding the distribution of the \$1,000 relating to the property’s ground rent within two weeks of this Order.

DATED this 6 day of November, 2024.

BY THE COURT:



James K. Bredar
United States District Judge